UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,033	03/16/2004	Motohiro Hayashi	4074-11	1260

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EXAMINER
CHEN, ALAN S

ART UNIT	PAPER NUMBER
2182	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 September 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *7,8 and 12-29* is/are pending in the application.

  4a) Of the above claim(s) *12-18* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *7,8 and 19-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   The 35 U.S.C. §112 rejection is vacated based on the amendments to the applicable claims.

2.   Applicant's arguments related to the prior art rejection filed 09/22/08 have been fully considered but they are not persuasive.

3.   Applicant first argues that the 'information' and 'changed information' in the prior art to Ferlitsch is not anticipated.

Examiner does not agree based on the following interpretation of Ferlitsch. Paragraph 45 of Ferlitsch discloses a request is sent from the apparatus to be controlled *(client computer, fig. 4a, item 60)* to the controlling apparatus *(fig. 4a, item 80)*. The request triggers a subsequent program on the client computer *(one of the embodiments described in paragraph 45)* to determine an update version of the printer driver and a subsequent request to download the driver is made to the printer drivers source *(fig. 5a, item 80)*. Therefore, it appears there is an initial connection request and then a subsequent download request. It must be stressed that the claimed limitation 'identification information' for identifying a specification of the apparatus to be controlled, can be any bit of code/command causally connected to the printer driver identification. This includes the initial request from the client computer to the printer driver source, and clearly the second download request initiated by the execution program on the client computer that determines new specifications for the printer.

4.   Applicant next argues the change information is not obtained from a memory and

transmitted from the client computer to the printer in the prior art reference.

       Examiner does not agree. Again, Paragraph 45 indicates that the needed driver

components, e.g., the changed identification, is computed by comparison of the delta

levels/versions between that of the client computer and printer. The printer driver is

stored on the memory of the client computer. This needed driver components are then

requested *(and downloaded)* by the client computer from the printer driver source.

5.   Applicant lastly argues the new limitation of control information selected on the

basis of the identification information.

       Examiner points out that the printer driver source in Ferlitsch *(fig. 4a, item 80)*

handles incoming requests to download driver components based in control

code/commands that selects where the driver components are located based on the

incoming request. This is sufficient to anticipate the new limitation.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 7, 8 and 19-29 are rejected under 35 U.S.C. 102(e) as being anticipated

by US Pat. No. 2003/0184784 to Ferlitsch.

3.   Per claim 7, Ferlitsch discloses a control system *(figs. 2 and 4)* comprising: an

apparatus *(fig. 2, item 42, local computer system)* to be controlled by a controlling

apparatus *(fig. 4A, item 80 and paragraph 57 discloses it being a server)* to which

identification information *(ANY information related to the driver in fig. 3 and fig. 4A, item*

63) for identifying a specification of the apparatus to be controlled is transmitted

(paragraph 45, a request from item 42, the 'apparatus to be controlled' is transmitted

causing a program to be executed on item 42, that determines if the driver is to be

updated); the controlling apparatus *(fig. 2, item 46)* being configured to control the

apparatus to be controlled using control information *(fig. 4a, item 80 has its own*

information that responds to requests to download driver updates) selected on the basis

of the identification information *(paragraph 39, "...an identification and association of the*

dynamically linkable objects enables a dynamic change by adding or subtracting

linkable objects; paragraph 45, request sent by item 42 returns information of the driver

update information), the apparatus to be controlled *(fig. 4A, item 60)* including a

processor *(fig. 4A, item 65)* capable of performing the operations of: detecting a change

in a specification for a device attached *(paragraph 45, comparison of delta values and*

versions of linkable components on the client with the printing device to see if update is

needed; fig. 2, item 44 is the printer device that is attached via the network to the

computer, item 42) to the apparatus to be controlled *(paragraph 46, the main entry*

object determines/detects when the driver needs to be updated, e.g., the printer user

interface has new features that require a dynamically linkable object in order to run);

obtaining, from a memory *(updated driver/object information intrinsically stored on a*

memory on server, fig. 4a, item 80), changed identification information which is modified

with the specification of the attached device for identifying the specification of the

apparatus to be controlled *(paragraph 46, the main entry object determines that the*

driver is to be updated and the new features are the upgraded modified version of the

driver, e.g., the dynamically linkable objects, downloaded from the printer driver source

fig. 2, item 46); and transmitting the changed identification information from the

apparatus to be controlled to the controlling apparatus *(paragraph 45, "a program to be*

executed...on the client computer device that determines if the driver is to be updated",

subsequently the updated driver information is requested to be downloaded from the

controlling apparatus, item 80).

4.   Per claim 8, claim 7 is substantially similar and therefore the rejection is applied

accordingly. Per claim 8, the connection unit is shown in fig. 4A, item 67 of Ferlitsch.

The processor, fig. 4A, item 65 handles the central control of the computer device.

5.   Per claim 19, claim 7 is substantially similar and therefore the rejection is applied

accordingly.

6.   Per claim 20, Ferlitsch discloses claim 19, Ferlitsch further discloses the attached

device *(printer)* has firmware that can be updatable *(paragraph 55, spooler program is*

something that can be updatable).

7.   Per claim 21, Ferlitsch discloses claim 20, Ferlitsch further discloses the change

in specification for the attached device is a change in attachment status for the attached

device relative to the apparatus to be controlled *(paragraph 39 discloses the subtraction*

of certain functions, services, features, and/or components e.g., if aforementioned do

not have operational status anymore).

8.   Per claim 22, Ferlitsch discloses claim 19, Ferlitsch further disclosing obtaining

from the memory a selected one of a plurality of pieces of information *(fig. 3,*

dynamically linkable object is one of a plurality), the selected one of the plural pieces of

information corresponding to the changed identification information which is

representative of the combination of the apparatus to be controlled and the attached

device with the changed specification *(paragraph 38, main object is constant,*

representative of at least of the aspect of the computer device in how it load and

unloads dynamically linkable objections, paragraph 39, and some of the dynamically

linkable objects are represent the functionality of the attached device, e.g., printer).

9.   Per claims 23-29, claims 19-22 are substantially similar and therefore the

rejections are applied accordingly. The computer device intrinsically can be attached to

a local printer via serial or parallel ports and as shown in figs. 2 and 4A, there is at

minimum an Ethernet connector to communicate with the network.

Conclusion

10.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to ALAN S. CHEN whose telephone number is (571)272-

4143. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tariq R. Hafiz can be reached on 571-272-6729. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alan S Chen/
Primary Examiner, Art Unit 2182
12/05/08
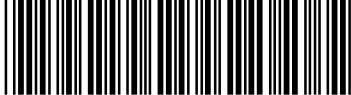
Application Number	Application/Control No.	Applicant(s)/Patent under Reexamination
	10/801,033	HAYASHI ET AL.
	Examiner	**Art Unit**
	ALAN S. CHEN	2182

The barcode represents the application number visually.